

REMARKS

Applicant submits that the present amendment is fully responsive to the Notice of Non-Compliant Amendment dated November 23, 2009, and the Office Action dated February 9, 2009 and, thus, the application is in condition for allowance.

By this reply, claims 1, 5, 10, and 18 have been amended. Claims 1, 2, 4-15, and 17-23 are currently pending in the application. Of these, claims 1, 5, 10, and 18 are independent. An expedited review and allowance of the application is respectfully requested.

In the outstanding Office Action, the specification was objected to because the co-pending serial number was missing. The specification has been amended to include this serial number. The objection should now be withdrawn.

In the outstanding Office Action, claims 10-15 and 17 were rejected under 35 U.S.C. 101 as not being within one of the categories of statutory subject matter. Applicant respectfully traverses. Claim 10 is drawn towards a remote server comprising, among other things, a controller and an interface, not simply a software module, as asserted by the Office Action. As such, the claim includes machine parts and is within the statutory subject matter and should be allowable.

In the outstanding Office Action, claims 1, 2, 5-15, 17-19, and 21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Chan (US 6,760,759) in view of Foulger (US 2006/0129536). It is asserted that Chan discloses substantially the same method and apparatus according to the present invention as recited in the claims, but for teaching wherein the remote server comprises a script processor configured to provide further search parameters based on responses to one or more queries displayed on the wireless device, the one or more queries being displayed upon the activation of a script; and wherein the script is activated in response to the

receipt of the one or more initial search parameters by the remote server. It is further alleged that Foulger does disclose these deficiencies and the combination of these cited references would have therefore been obvious to one having ordinary skill in the art. Applicant respectfully traverses.

With respect to independent claims 1, 5, 10, and 18, neither Chan nor Foulger, nor any other related art of record, alone or in combination, disclose or fairly suggest the present invention as recited in the pending claims. For example, Chan does not teach or suggest sending, from a remote server to a wireless device, a command file comprising instructions to assign command functions to controls on the wireless device, the wireless device enacting the command file and assigning the command functions to the controls on the wireless device, the command functions being customized to a display and a control capacity of the wireless device. For instance, this allows a command file to be sent to the wireless device and enacted such that a certain key on the wireless device will thereafter correspond with a command function. This makes searching more manageable by being able to search through folders, etc. with easier controls. Chan discloses tagging fields of a page and updating only those fields that are new since the last time the page was requested (Chan, Column 6, Line 60-Column 7, Line 13). This is not the same as assigning command functions to the controls on the wireless device. Chan simply is only updating portions of a page that need to be updated instead of updating the entire page to limit the amount of data being downloaded. The controls of the device are not assigned any type of command function at all.

Furthermore, Foulger fails to cure the deficiencies of Chan because Foulger does not teach or suggest sending, from a remote server to a wireless device, a command file comprising instructions to assign command functions to controls on the wireless device, the wireless device

enacting the command file and assigning the command functions to the controls on the wireless device, the command functions being customized to a display and a control capacity of the wireless device. Foulger discloses a search engine that provides suggestions (Foulger, Paragraph [0014]). However, there is no discussion of any type of assignment of command functions, nor is there asserted to be. This element is simply not present in Foulger. For at least this reason, the rejection should be withdrawn.

Thus, neither Chan nor Foulger, alone or in combination, teach all of the elements in the independent claims. Hence, the dependent claims, which depend therefrom, also are patentably distinct from any prior art of record. For this reason, Applicant respectfully requests withdrawal of the rejection. Furthermore, there is no motivation to combine any of these references outside of Applicant's own disclosure. Even if they were combinable, *arguendo*, the combination would not be able to obviate the present invention for at least the reasons set forth above. Thus, the rejection of the claims should be withdrawn.

In the outstanding Office Action, claim 4 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Chan in view of Foulger, and in further view of Himmelstein (US 2007/0203896). It is asserted that Chan and Foulger disclose substantially a method and apparatus according to the present invention as recited in the claim, but for teaching wherein the operation performs one of facilitating a purchase, facilitating a reservation based on the query, and placing a phone call. It is further alleged that Himmelstein does disclose this deficiency and the combination of these cited references would have therefore been obvious to one having ordinary skill in the art. Applicant respectfully traverses.

At most, Himmelstein teaches a data table that can be customizable by a user prior to or after accessing the internet (Himmelstein, Paragraph [0015]). This does nothing to cure the

deficiencies of the other references with respect to the independent claim. This dependent claim is dependent upon independent claim 1, which was traversed for at least the reasons set forth above. Thus, this claim includes each element of the independent claim it depends upon. Hence, the dependent claim also is patentably distinct from any prior art of record. For this reason, Applicant respectfully requests withdrawal of the rejection. Furthermore, there is no motivation to combine any of these references outside of Applicant's own disclosure. Even if they were combinable, *arguendo*, the combination would not be able to obviate the present invention for at least the reasons set forth above. Thus, the rejection of the claims should be withdrawn.

In the outstanding Office Action, claims 20 and 22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Chan and Foulger, and in further view of Elsey (US 2006/0129536). It is asserted that Chan and Foulger disclose substantially a method and apparatus according to the present invention as recited in the claims, but for teaching wherein selecting a folder further comprises creating a folder to contain all items found in searching the database and selecting the created folder. It is further alleged that Elsey does disclose this deficiency and the combination of these cited references would have therefore been obvious to one having ordinary skill in the art. Applicant respectfully traverses.

At most, Elsey teaches a server for managing sources of information about a user (Elsey, Paragraph [0007]). This teaching does nothing to cure the deficiencies of the other references with respect to the independent claims. These dependent claims all are dependent upon the independent claims traversed above. Thus, each of these claims includes each element of the independent claim they depend upon. Hence, the dependent claims also are patentably distinct from any prior art of record. For this reason, Applicant respectfully requests withdrawal of the rejection. Furthermore, there is no motivation to combine any of these references outside of

Applicant's own disclosure. Even if they were combinable, *arguendo*, the combination would not be able to obviate the present invention for at least the reasons set forth above. Thus, the rejection of the claims should be withdrawn.

No fees are believed due to enter this amendment. If any fees are associated with the entering and consideration of this amendment, please charge such fees to our Deposit Account 50-2882.

Applicant respectfully requests an interview with the Examiner to present more evidence of the unique attributes of the present invention in person. As all of the outstanding rejections have been traversed and all of the claims are believed to be in condition for allowance, Applicant respectfully requests issuance of a Notice of Allowance. If the undersigned attorney can assist in any matters regarding examination of this application, Examiner is encouraged to call at the number listed below.

Respectfully submitted,

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